John M. Reed, Appellant-Petitioner
P. O. Box 1544; Eugene, Oregon 97440

Supreme Court, U. S.
FILED
JUL 16 1980
MICHAEL RODAK, JR., CLERK

UNITED STATES SUPREME COURT

Term 1980

No. 80-5079

STATE OF OREGON ex rel JOHN M. REED, RELATOR-PETITIONER

v.

JUDGE'S OF THE OREGON COURT OF APPEALS AND

JUSTICES OF THE OREGON SUPREME COURT, DEFENDANT'S.

APPEAL, ALTERNATIVLY, CERTIORARI TO OREGON APPEALS & SUPREME COURTS

APPELLANT-RELATOR-PETITIONER JOHN M. REED requests appeal review, alternativly, should this be denied, a writ of certiorari issue to review denial of his attached ALTERNATIVE WRIT OF MANDAMUS by the Oregon Supreme Court dated April 16, 1980, questioning the validity of Oregon Revised Statute 19.180 on the grounds of being Constitutionally repugnant.

JURISDICTION

REED files less then 90 days from 4/16/1980 Oregon Supreme Court Order and Jurisdiction is 28 USC 1257(2), if denied, 28 USC 1257(3).

QUESTIONS PRESENTED

Oregon's Court of Appeals has refused de novo written findings of fact and conclusions of law in appeals from Oregon Workers Compensation Board Orders, citing O.R.S. 19.180(1979)("..may decide cases before it by means of memorandum decisions ..") as authority, not withstanding being in disharmony with their own past case law; ORS Chapter 656; and in violation of State & Federal Constitutions.

The Courts "memorandum decisions" consists of a mass produced form saying "Date affirmed without opinion (ORS 19.180) and date filed" in which the Court clerk types the date a case is denied, as In the Matter of Reed v. Del Chemical CA11078;11762;11833 attached.

1. Is the Oregon Supreme Courts position not repugnant to the statutory and constitutional provisions involved?

CONSTITUTIONAL PROVISIONS

See attached Alternative Writ of Mandamus.

FACTS

See attached Alternative Writ of Mandamus.

CONCLUSION

The Court should review this cause and order said Writ issued and order Reed's CA11078; 11762; 11833 given de novo written reviews.

Respectfully submitted,

John M. Reed

John M. Reed, Appellant-Relator
P. O. Box 1544
Eugene, Oregon 97440

UNITED STATES SUPREME COURT

Term 1980

No.

STATE OF OREGON ex rel JOHN M. REED, Relator-Petitioner

v.

JUDGE'S OF THE OREGON COURT OF APPEALS
&
JUSTICE'S OF THE OREGON SUPREME COURT, Defendant's

MOTION TO PROCEED IN FORMA PAUPERIS

PLAINTIFF-RELATOR-PETITIONER moves for Order to proceed before this Court In Forma Pauperis, as before the Oregon Supreme Court, who waived costs-fees herein, and has the policy of awaiting a U. S. Supreme Court request before preparing record transmission, which I have demanded. Rule 53(1)(2) /s/ John M. Reed, Relator

STATE OF OREGON)
County of Lane) ss AFFIDAVIT

I, Relator-Petitioner John M. Reed, duly sworn, do say:

The Oregon Court of Appeals and Oregon Supreme Court have refused written de novo "findings of fact and conclusions of law" reviews of Oregon Workers Compensation Board "orders" In the Matter of Reed v. Del Chemical Corporation CA11078 (SC26938) 44 Or App 79 (1980); CA11762 (SC26347) 40 Or App 485 (1979); & Reed v. Daron CA11833 (SC26346) 40 Or App 485 (1979). See attached Mandamus.

I seek statutory and constitutional JUDICIAL review of ADMINISTRATIVE Oregon Workers Compensation Board Orders for all Oregonians.

And request cost/fee waiver herein because of poverty I'm unalbe to pay, give security, but beleive my cause legally sound.

BY /s/ John M. Reed

SWORN AND SUBSCRIBED TO BEFORE ME THIS 12th. DAY OF JULY 1980:
Notary Public for Oregon _____ My Commission Expires 7-22-80

ORDER

It is so Ordered.

BY _____

SUPREME COURT COURT of APPEALS

LOREN D. HICKS
State Court Administrator
378-6046

ADMINISTRATIVE OFFICE
SUPREME COURT BLDG.
SALEM, OREGON 97310

Telephone Area Code — 503
Re Cases on Appeal 378-6005
Legal Counsel 378-6022
Oreg. Reports Editor 378-2802

April 16, 1980

Mr. John M. Reed
Box 1544
Eugene, Oregon 97440

Re: State ex rel Reed v. Schwab
SC #26953

Dear Mr. Reed:

The Supreme Court has today allowed your motion to waive the filing fee in the above-entitled matter, but has denied your motion for stay and has denied your petition for an alternative writ of mandamus. This letter constitutes the order of the Supreme Court.

Very truly yours,

David Gernant
Legal Counsel

DG:dj

cc: Mr. Walter L. Barrie

John M. Reed, Petitioner
P. O. Box 1544
Eugene, OREGON 97440

IN THE SUPREME COURT OF THE STATE OF OREGON

STATE OF OREGON ex rel
JOHN M. REED,
Plaintiff-Relator,

v.

HERBERT M. SCHWAB, ROBERT Y. THORNTON, JASON LEE, JACOB TANZER, WILLIAM RICHARDSON, JOHN H. BUTLER, GEORGE M. JOSEPH, W. MICHAEL GILLETTE, BETTY ROBERTS, J. R. CAMPBELL and current Judges of the Oregon Court of Appeals,
Defendant's.

NO. _____

ALTERNATIVE WRIT OF MANDAMUS
MOTION TO STAY COURT PROCEDINGS
MOTION TO WAIVE FILING FEE
MOTION FOR ORAL ARGUMENT

UNTO THE HONORABLE, THE ABOVE-ENTITLED COURT:

The Petition of JOHN M. REED respectivly shows:

I

DEFENDANT is the Oregon Court of Appeals before which Petitioner demanded and was denied a judgment opinion of findings of fact & conclusions of law In the Matter of Reed v. Del Chemical Corporation CA 11833; CA 11762; and CA 11078 (WCB 77-75).

II

PETITIONER is a party of interest, American citizen. resident of Oregon and the aforesaid court has ordered said cases submited without oral arguments on the Briefs & refused Petitioner Reply Brief.

III

DEFENDANT has denied, yet has the power & duty to assure Petitioner a judgment opinion of findings of fact & conclusions of law de novo, that addresses his issues, and seperate from those of the Oregon Workers Compensation Board (executive banch of government).

IV

DEFENDANT denial is based on ORS 19.180 Memorandum decisions. (1979)

"The Supreme Court or the Court of Appeals may decide cases before it by means of memorandum decisions and shall prepare full opinions only in such cases as it deems proper."

PETITIONER'S assertion is based on ORS 9.320; ORS 656.298; ORS 656.301; ORS 656.273; ORS 656.202; Oregon Constitution Article 1 Sections 10, 20, 21, 22 & 33; Article 3 Section 1; Artecle 7 Section 1; United States Constitution Article 1 Section 10; Article 6 paragraph 2; Amedment 14 Section 1; Amendments 5, 6, 7 9 & 10; Oregon State Bar Canon of Judicial Ethics No. 19 (1952):

"In disposing of controverted cases a judge should indicate the reasons for his action in an opinion showing that he has not disregarded or overlooked serious arguments of counsel. He thus shows his full understanding of the case, avoids the suspicion of arbitarary conclusions, promotes confidence in his intellectual integrity and may contribute useful precedent .. ".

In re Pieper's Estate 224 CA 2d 670 37 CAL REPT 46, 50 - Memorandum Opinion is not an appealable judgment order.

V

DEFENDANT'S refusal, persuant to ORS 19.180, to furnish de novo judicial judgment opinion of findings of fact and conclusions of law, especially in administrative Oregon Workers Compensation Board cases, is arbitary, abusive, unconstitutional, discriminatory, an obstruction of justice. And denies the causes, benefitial interests of all Oregonian's, including Petitioner herein.

VI

PETITIONER has no plain, speedy & adequate remedy at law to enforce his aforesaid established right to , and Defendant's duty to supply, judgment opinions of findings of fact and conclusions of law in the aforementioned cases herein.

VII

WHEREFORE PETITIONER PRAYS: That an Alternative Writ of Mandamus issue out of and under the seal of this court, along with an Order Staying further proceedings In the Matter of Reed Case No. CA 11078, directed to said Oregon Court of Appeals Defendants commanding him

immediately after receipt to furnish Petitioner with judgment opinions with seperate findings of fact and conclusions of law in his aforesaid cases and employ ORS 19.180 no more in Oregon Workers Compensation Board or Department cases or show cause before this court of a judge thereof at a time and place therein set why he (it) has not done so; and that he then and there return the writ with his certificate annexed thereof; and for such further relif as may be proper in the premises.

BY /s/ JOHN M. REED, Petitioner

MOTION TO STAY

Petitioner moves for this court to stay further procedings In the Matter of Reed v. Del Chemical Coporation Case No. CA 11078 until this Mandamus is finaly determined. See Affidavit.

/s/ JOHN M. REED

MOTION TO WAIVE FILING FEE

Petitioner requests filing fee waiver herein. See Affidavit.

/s/ JOHN M. REED

MOTION FOR ORAL ARGUMENT

Petitioner moves for right to Orally Argue this Mandamus if contested.

/s/ JOHN M. REED

STATE OF OREGON; County of Lane) ss AFFIDAVIT AND PROOF OF SERVICE

I, Petitioner John M. Reed, duly sworn do say:
I am without funds or assets to underwrite this constitutional Mandamus right; I will be harmed if afbresaid case is not stayed inthat there then will be no case to demand finding of fact and conclusions of law in .. and my appeal grounds remain a mystry. I will give oral explaination to detail my alleged constitutional rights; that the foregoing Alternative Writ Of Mandamus and Motions are true. well founded in law, and not for purpose of delay, with true copy mailed April 3, 1980 fully-postaged paid from Eugene, Oregon Main Post Office having regular communication to Defendants Attorney(s): Oregon Attorney General; 100 State Office Bldg.; Salem, Oregon 97310.

/s/ JOHN M. REED

Subscribed and sworn to before me April 3. 1980.

Oregon Notary Public _____ My commission expires 7-11-83

JOYCE A LAY
NOTARY PUBLIC
STATE OF OREGON
My Commission Expires 7-11-83

IN THE COURT OF APPEALS OF THE STATE OF OREGON

Case Name:

In the Matter of the Compensation of

John M. Reed, Claimant

(Petitioner)

v.

Del Chemical Corporation,

(Respondent)

11078 (CA No.) | (Circuit Court No.) | (District Court No.)

County _____ Judge _____

WCB #77-75 (Agency No.) Judicial Review from Workers' Compensation Board

Date argued _____ Date submitted on briefs November 20, 1979

Before Richardson, Presiding Judge, and Joseph and Roberts, Judges.

John M. Reed, P. O. Box 1544, Eugene, (Name) — Petitioner (Attorney Pro se)

Richard W. Butler, Eugene (Name) — Respondent (Attorney for)

Date affirmed from the bench and date filed _____

Date affirmed without opinion (ORS 19.180) and date filed January 21, 1980.

IN THE COURT OF APPEALS OF THE STATE OF OREGON

Case Name:

In the Matter of the Compensation of

John M. Reed, Claimant,

(Appellant.)

v.

Del Chemical Corporation,

(Respondent.)

11762 (CA No.) | Lane County No. 78-3140 (Circuit Court No.) | (District Court No.)

County Lane County Judge Roland K. Rodman

(Agency No.) Judicial Review from

Date argued Date submitted on briefs 3/9/79

Before Richardson, Presiding Judge, and Joseph and Roberts, Judges.

John M. Reed, P. O. Box 1544, Eugene, Or. 97440 (Name) — Appellant (Attorney pro se)

Richard W. Butler, Eugene, Oregon (Name) — Respondent (Attorney for)

Date affirmed from the bench and date filed

Date affirmed without opinion (ORS 19.180) and date filed June 11, 1979.

Rec SAT 6/9/79

IN THE COURT OF APPEALS OF THE STATE OF OREGON

Case Name:

John M. Reed

(Petitioner)

v.

Harold M. Daron

(Respondent)

11833 (CA No.) 78-4217 (Circuit Court No.) (District Court No.)

County Lane Judge James R. Hargreaves

(Agency No.) Judicial Review from

Date argued Date submitted on briefs 3/9/79

Before Richardson, Presiding Judge, and Joseph and Roberts, Judges.

John M. Reed, P. O. Box 1544, Eugene, Or. 97440 petitioner
(Name) (Attorney pro se)

Redden, Attorney General/Barrie/Laue respondent.
(Name) (Attorney for)

Date affirmed from the bench and date filed

Date affirmed without opinion (ORS 19.180) and date filed June 11, 1979.

Def. Sm 6/9/79

VERIFICATION

STATE OF OREGON, County of Lane ss.

I, John M. Reed being first duly sworn, say that I am the Appellant-Relator-Petitioner and that the foregoing Appeal/Writ/In Forma Pauperis Motion is true as I verily believe.

/s/ John M. Reed

Subscribed and sworn to before me 7/12/80, 19

NOTARIAL SEAL

Notary Public for Oregon.
My Commission expires 7-22-80

CERTIFICATE — TRUE COPY — WELL FOUNDED IN LAW

I hereby certify that the foregoing copy of ..... is a correct copy of the original. That the said ..... in my opinion is well founded in law.

Dated ....., 19.....

Of Attorneys for .....

ACCEPTANCE OF SERVICE

Due service of the within ..... is hereby accepted in ..... County, State of ....., on ....., 19..... by receiving a duly certified copy thereof.

Of Attorneys for .....

CERTIFICATES OF SERVICE

PERSONAL

I certify that on ....., 19..... I served the within ..... on ..... attorney of record for the ..... by personally delivering to him a correct copy thereof.

Of Attorneys for .....

AT OFFICE

I certify that on ....., 19....., I served the within ..... on ..... attorney of record for the ....., during his absence from his office by leaving a correct copy thereof with his clerk therein, or with a person having charge thereof, at ..... Oregon.

Of Attorneys for .....

MAILING

I hereby certify that I served the foregoing Appeal/Writ/Motion on Oregon Attorney General attorney(s) for Defendants on 7/16/80, 19....., by mailing to said attorney(s) a correct copy thereof, certified by me as such, contained in a sealed envelope, with postage paid, addressed to said attorney(s) at his or their regular office address, to-wit: 100 State office bldg. Justice Dept; Salem. Oregon 97310 ..... and deposited in the post office at Eugene, Oregon, on said day. Between the said post office and the address to which said copy was mailed, there is a regular communication by U. S. Mail.

Dated ....., 19.....

/s/ John M. Reed

Of Attorneys for .....

P. O. Box 1544

Eugene, Ore. 97440

ATTORNEY'S NAME ADDRESS AND TELEPHONE NUMBER

BACKING SHEET

NOTE: See ORS 16.720(2). If the copy of the document named in the above certificate of mailing was mailed to an address other than the attorney's "regular office address" (defined by ORS 16.720(1)(a) as the attorney's "regular office address, to-wit:" and state the address to which the document was mailed and the reason therefor.

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